

Figure SC810.F57. Sample Letter to Physician Explaining Difference
Between Disability Retirement and Workers' Compensation

USE INSTALLATION LETTERHEAD

FROM: AAAA-BB Date

SUBJECT: Federal Employees Injured at Work

TO: Amos B. Jackson, M.D.
 Street Address
 City, State Zip Code

Dear Dr. Jackson:

Reference is made to your recent medical report for our employee, James A. Smith, concerning his/her application for disability retirement. Mr. Smith also has a documented work-related injury and (may be/is) covered under the Federal Employees' Compensation Act.

On occasion, when a private physician recommends medical or disability retirement, it may not necessarily mean that the employee is totally disabled for all work. We are aware that a great deal of misunderstanding exists (in both the Federal and non-Federal sectors) concerning entitlement to benefits under the Federal Disability Retirement and the Workers' Compensation Programs. To clarify this misunderstanding, the following explanation is offered:

Workers' Compensation Program: If an employee is injured on the job and is unable to perform any duties because of physical limitations resulting from the injury, he/she is entitled to Office of Workers' Compensation Programs (OWCP) payments, which are nontaxable and can be up to three-fourths of his/her current salary. The Congress did intend for an employee to receive full compensation payments for all periods of total disability, but only if the employee is disabled for all gainful employment. It, however, did not intend this to be a permanent retirement program because injured workers are usually able to return to some type of productive light or sedentary work. To be entitled to continuing Workers' Compensation, the employee's disability must always be monitored until maximum medical improvement is reached and periodic

medical reviews are scheduled to guard against any error. To maintain motivation and work skills, the employee should return to the work place or be placed in a rehabilitation program as soon as possible. When the injured employee is unable to return to his/her former job, the employer can normally make use of the employee's acquired skills or place him/her in a job where he or she can develop new skills. For example, it may be possible to reengineer the employee's current position or offer a different one with physical qualifications compatible to the work limitations imposed by the treating physician. If the employer cannot do this, the Office of Workers' Compensation Programs may then place the employee in a rehabilitation or retraining program so that he/she can learn to function in a work situation that is compatible to his/her physical limitations. In either event, the employee is entitled to continuing compensation based on his/her ability to earn wages.

Disability Retirement Benefits: An employee may be eligible for disability retirement benefits when he/she has been covered by the CSRS or FERS retirement system for the specified period of that particular retirement system, (5 years or 18 months) and is unable to perform the full duties of his/her current position. The retirement annuity is based on years of service, is normally less than OWCP benefits, and is taxable. The employee's disability does not have to be work-related.

We would not disagree with a recommendation for disability retirement nor the employee receiving retirement benefits if he/she cannot continue in his/her current position. The compensation law, however, is not designed to entitle an employee to full workers' compensation benefits when he/she can perform some type of work. For this reason, we would appreciate your completing the attached Form CA-17 concerning Mr. Smith's current work limitations/restrictions. If he can perform any type of work, we will take action to place him on a position in strict accordance with your stated physical restrictions.

We appreciate your cooperation in this matter and look forward to working with you. If you have any questions, please contact the injury compensation specialist, at 522-0001 or our Medical Officer, _____ at 522-0002.

Sincerely,

MELVIN A. BROWN
Injury Compensation Program
Administrator

Encl
Form CA-17 w/Envelope